

REMARKS

The Office Action and the cited and applied references have been carefully reviewed. No claim is allowed. Claims 1-6 and 12-29 presently appear in this application (with claims 19, 21-24, 26, 28 and 29 being withdrawn from consideration by the examiner) and define patentable subject matter warranting their allowance. Reconsideration and allowance are hereby respectfully solicited.

The abstract of the disclosure has been objected to. Appropriate correction is now made and a new replacement sheet of the abstract is attached hereto, thereby obviating this objection.

The specification has been objected to because of the presence of blank spaces. It should be noted that the blank spaces are merely artifacts of the right justification used in word processing and are not believe to interfere with the optical character scanning of the specification. However, in deference to the examiner's requirement for correction, the large blank spaces on pages 12 and 29 are deleted.

Claims 5, 8 and 14-17 have been objected to. This objection is made moot by appropriate corrections to the objected claims.

Claims 1-18, 20, 25 and 27 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. This

rejection is obviated by the amendments to the rejected claims including the cancellation of rejected claims 7-11 without prejudice.

Claims 1-18, 20, 25, and 27 have been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. This rejection is obviated by the amendments to the claims which avoid the issues raised by the examiner.

Reconsideration and withdrawal of the rejection are therefore respectfully requested.

Claims 1-18, 20, 25, and 27 have been rejected under 35 U.S.C. §112, first paragraph, because the examiner states that the specification, while being enabling for (a) an expression vector comprising (1) the polynucleotide of SEQ ID NO:16, which encodes the mouse Ig kappa chain secretion signal, a histidine tag, a cleavable peptide, and a spacer, as well as the polynucleotide of SEQ ID NO:14 encoding neurosin, or (2) the polynucleotide of SEQ ID NO:18, which encodes a trypsin secretion signal, a histidine tag, a cleavable peptide and a spacer, as well as the polynucleotide of SEQ ID NO:14 encoding neurosin, (b) host cells transformed with the vectors of (1) or (2), and (c) a method to produce the neurosin of SEQ ID NO:18 said method comprising cultivating the host cells of (b), does not reasonably provide enablement for an expression vector comprising sequences

encoding any secretory signal, any protein tag, any cleavable peptide, and any protein. This rejection is respectfully traversed.

The claims as amended are fully enabled to those of skill in the art. Applicants respectfully point out that once the protein expression vector of claim 1 is enabled, one of skill in the art is well enabled to insert various target proteins into the cloning site (d) of the protein expression vector for expression in host cells, much like the numerous expression vectors commercially available for the expression of various proteins, especially secreted proteins.

Reconsideration and withdrawal of the rejection are therefore respectfully requested.

Claims 1-4, 6, 7, 14, 18, 20, 25, and 27 have been rejected under 35 U.S.C. §102(b) as being anticipated by the 1995 New England Biolabs catalog. This rejection is respectfully traversed.

Claim 1 as presently amended recites the specific features "(a) a nucleotide sequence encoding an IgG (κ) or trypsin secretory signal peptide, (b) a nucleotide sequence encoding a polyhistidine amino acid sequence, (c) a nucleotide sequence encoding an amino acid sequence comprising amino acid residues 36-40 of SEQ ID NO:19" which are not disclosed or taught by the 1995 New England Biolabs catalog for the protein

Appln. No. 09/856,050
Amd. dated January 30, 2004
Reply to Office Action of November 4, 2003

expression vector pMAL-p2. The remaining claims ultimately depend from claim 1. Therefore, the 1995 New England Biolabs catalog relied upon by the examiner cannot anticipate the presently claimed invention.

Reconsideration and withdrawal of the rejection are therefore respectfully requested.


Claims 8, 9 and 11 have been rejected under 35 U.S.C. §103(a) as being unpatentable over the 1995 New England Biolabs Catalog in view of the 1997 Invitrogen Product Catalog. This rejection is mooted by the cancellation without prejudice of rejected claims 8, 9 and 11.

In view of the above, the claims comply with 35 U.S.C. §112 and define patentable subject matter warranting their allowance. Favorable consideration and early allowance are earnestly urged.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By



Allen C. Yun
Registration No. 37,971

ACY:pp
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
G:\BN\A\Aoyb\Uemura8\PTO\AMD OA 11-4-03.doc